

OUACHITA PARISH
BOARD
RULES

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CIVIL SERVICE BOARD
OUACHITA PARISH FIRE PROTECTION DISTRICT NO. 1

RULES

RULE I - MEETING OF THE BOARD

- SECTION 1: The board shall hold one regular meeting within each quarterly period of the calendar year, in the months January, April, July, and October. The board shall hold such special meetings as may be called by the chairperson or as provided in Act 282 of 1964, hereinafter referred to as the Civil Service Act (Revised Statute 33:2531 and those that follow).
- SECTION 2: Unless otherwise provided in the notice for such meetings, all meetings shall be held at the Ouachita Parish Fire Department Office Complex located at 1000 New Natchitoches Road, West Monroe, LA 71292 or such other place as determined by the board.
- SECTION 3: Notice of regular meetings shall be given by posting such notice in the office complex or at the building in which the meeting is to be held, not less than five (5) days before the date fixed for such meeting, unless otherwise provided by law. Such notice shall state whether the meeting is regular or special, and shall include the date, time, place, and agenda of the meeting, provided that upon approval of two-thirds of the members present at a meeting of a public body, the public body may take up a matter not on the agenda.
- SECTION 4: Special meetings of the board will be held only upon call of the chairperson, or in such absence the vice-chairperson, or as provided by the Civil Service Act.
- SECTION 5: All board meetings shall be open to the public, except when the board meets in executive session as provided by Revised Statute 42:4.1, and those statutes that follow.
- SECTION 6: All board members must be notified not less than five (5) days preceding all regular board meetings. Special meetings may be held upon twenty-four hour notice, as provided by law.

SECTION 7: Two members of the board must be present to constitute a quorum of the board. Concurring votes of two members are necessary for decision of all matters before the board.

RULE II - SUBJECT MATTER OF MEETINGS

SECTION 1: At regular meetings of the board it shall consider all old and new business which may be brought to its attention in the manner hereinafter provided.

SECTION 2: At special meetings the board shall consider only those items of business for which the meeting was called, except by agreement of two-thirds of the board members, other matters may be considered.

RULE III - ORDER OF BUSINESS

SECTION 1: At regular meetings the order of business shall be as follows:

1. Reading of the minutes
2. Special and general reports
3. Decisions and orders on matters considered at previous hearings and meetings.
4. New business.

SECTION 2: At special meetings the order of business shall be as follows:

1. Reading of minutes
2. Decisions and orders on matters considered at previous hearings and meetings.
3. Hearing of matters previously fixed for the special meeting.

RULE IV - EXECUTIVE SESSIONS

The board, if required, will meet in executive session during regular or special meetings, by two-thirds vote of those present when considering those matters which may be discussed under provisions of Revised Statute 42:6.1, (relative to exceptions to open meetings). Any voting on matters discussed in executive sessions will be conducted only upon return to public meeting.

RULE V - APPLICATION FOR APPEALS AND HEARINGS

- SECTION 1: Any person authorized to appeal to the board under the provisions of the Civil Service Act may apply for such an appeal by a written notice giving a clear and concise statement of the action complained against, the basis of the appeal, and the relief sought. Application for appeals to the board under the provisions of Section 2561 of the Civil Service Act shall be made only by regular employees in the classified service and shall be limited to matters involving discharge, corrective or disciplinary action and the application shall so state. All other requests for hearings shall set forth the section of the Civil Service Act under which the application is brought and shall contain a statement of the jurisdiction of the board. All applications for appeals and other hearings must be signed by the appellant or his counsel, if any, and must give the full name and post office address of the appellant and of his counsel. Written notice shall be filed with the chairperson of the board or the board official so designated to receive such applications.
- SECTION 2: No appeal shall be effective unless the above stated notice is filed within fifteen (15) days following the action complained against, or where written notice is given of an action to be thereafter effective, within the fifteen (15) days following the date on which such written notice is given.
- SECTION 3: The secretary of the board shall cause the date of filing to be noted on each notice of appeal and shall file said appeal on the appeals docket, giving the said appeal an appropriate title.

RULE VI - PROCEDURE ON APPEALS (Revised Statute 33:2561)

- SECTION 1: All hearings on appeals shall be open to the public.
- SECTION 2: Parties shall have the right, but shall not be required, to be represented by counsel. When any party is represented by more than one attorney, only

one attorney for any party shall be permitted to examine the same witness.

SECTION 3: The rules of evidence as applied in civil trials before the courts of this state need not be strictly complied with, but the board shall limit evidence to matters having a reasonable relevance to the issues before the board. The burden of proof, as to the facts, shall be on the appointing authority except in those cases where the employee alleges discrimination based on political or religious beliefs, sex, or race.

SECTION 4: Parties and witnesses shall be subject to cross-examination as in civil trials. The board looks with favor upon stipulations of undisputed facts. The appointing authority shall be first to present evidence and testimony followed by the evidence and testimony of the appellant. Board members may ask questions of witnesses.

SECTION 5: The board may, on request of any party or on its own motion, place witnesses other than parties under the rule of the board and thus exclude them from the hearing room.

SECTION 6: Any party desiring the issuance of a subpoena for the attendance of a witness or the production of books or papers must apply for appropriate order, to the board, in writing at least eight (8) days before the time fixed for the hearing. Such application shall state the purpose of the subpoena and what evidence or testimony is sought by the issuance of the subpoena. A subpoena service fee of \$45.00 will be required for any additional subpoena requested after the first four (4).

SECTION 7: The written rules, regulations, and procedures of the civil service board and the Civil Service Act will be the basis of all hearings and appeals.

RULE VII - DISMISSAL OF APPEALS

If the appellant fails to appear at the place and time fixed for any hearing, his appeal may be dismissed or the board may, in its

discretion, continue the case or proceed with the hearing and render its decision upon such evidence as may be adduced at the hearing.

RULE VIII - CLASSIFICATION OF THE COMPLAINT UPON COMPLETION OF INVESTIGATION

Following the completion of a complaint investigation, the Board shall classify the case as one (1) of the following:

- a) Sustained - The allegation is supported by sufficient proof.
- b) Not Sustained - The evidence is not sufficient to prove or disapprove the allegations.
- c) Unfounded - The allegation is false or otherwise not based upon valid facts.
- d) Exonerated - The incident that occurred or complained of was lawful and proper.
- e) Misconduct - Not based on the original complaint - The evidence supports action for infractions discovered during the investigation of the complaint that may be sustained.

RULE IX - TRANSCRIPTS OF HEARINGS

If any party to the hearing desires a permanent transcript of the hearing, the party shall furnish a court reporter for said purpose at their own expense. Where a court reporter is furnished, the first copy of the original transcript shall be filed with the board and shall become part of the permanent record of any subsequent appeal. Where no court reporter is furnished, the secretary of the board shall maintain as complete notes as is feasible and the board will issue a written finding of fact.

RULE X - OTHER HEARINGS

All other hearings of the board shall be instituted and shall be conducted in accordance with the above and foregoing rules and Civil Service Act in general.

RULE XI - APPLICATION FOR ADMISSION TO TEST

SECTION 1: Test for entry upon promotional and competitive employment list shall be advertised for and administered in accordance with Section 2552 of the Civil Service Act. Test for entrance upon competitive employment list may be given as the needs of the service require as determined by the civil service board. Test for entry upon promotional employment list may be given as the needs of the service require and shall be given at least one time during each successive period of eighteen months.

SECTION 2: Applications for admission to tests on board approved forms, will be received by those individuals designated by the board at any time before final date for receiving applications. Approved applicants will be notified at least five (5) days in advance of the date fixed for the exam. Individuals designated to receive applications will forward such applications to the board secretary and shall be kept as a permanent record of the board in accordance with Civil Service Act.

SECTION 3: Promotional and competitive employment lists shall be maintained by the board for eighteen (18) months.

SECTION 4: Admission to tests shall be governed by provisions of Section 2553 of the Civil Service Act and the qualification requirements of the classification plan. In the event of a demonstrated need for an eligibility list, the board may waive any requirements in the classification plan in order to establish a qualified pool of applicants for testing. A demonstrated need is established when an active provisional appointment exists in the classification to be tested and it is anticipated

that an adequate list cannot be established under existing rules.

SECTION 5: When results of any examination are furnished to the board by the State Examiner, the chairperson shall forthwith call the board for a special meeting for approval thereof. Employment lists shall become effective upon approval of and by a majority of the board and filing of the same by the board with the State Examiner.

RULE XII - DISTRIBUTION OF BOARD RULES

SECTION 1: One copy of the board rules shall be distributed to each board member, governing body one copy, Fire Chief one copy, and fire station bulletin boards one copy.

SECTION 2: Anyone requesting a copy of the board rules shall be provided the same upon request of the custodian of the board's records. A nominal fee of \$25.00 may be charged for each copy; however, one copy shall be made available without charge to an appellant, or his/her counsel upon request of the same to the custodian of the board's records.

RULE XIII - SHIFTS/TIME NOT COMPUTED TO SENIORITY

SECTION 1 FIREFIGHTERS

1.1 There shall be three (3) work shifts of twenty-four (24) hours each, commencing at 8:00 am and ending at 8:00 am the following morning. The firefighter work schedule shall require twenty-four (24) hours on duty on one of the three work shifts. The work schedule shall be rotated by the three (3) shifts.

1:2 When determining time not computed to seniority, each shift shall be sub-divided into two (2) twelve (12) hour parts. Part one shall commence at 8:00 am and end at 8:00 pm. Part two shall commence at 8:00 pm and end at 8:00 am the following morning. Therefore, each twelve (12) hour period not computed to seniority shall be posted as one (1) day.

- 1:3 This section shall apply to the following line classes:
Firefighter, Fire Driver, Fire Captain, District Fire Chief,
and Deputy Fire Chief.

SECTION 2 LINE SUPPORT CLASSES

- 2:1 There shall be five (5) work shifts of eight (8) hours each, commencing at 8:00 am and ending at 4:00 pm daily. These shifts shall run consecutively, Monday through Friday.
- 2:2 Time not computed to seniority will be in eight (8) hour increments and each shall be posted as one (1) day.
- 2:3 This section shall apply to the following line support classes:
Fire Prevention Officer, Fire Training Officer, Chief Fire Training Officer, Fire Medic Officer, Automotive Mechanic, Secretary to the Fire Chief, Fire Records Clerk, and Administrative Assistant to the Fire Chief.

SECTION 3 COMMUNICATION OFFICERS

- 3:1 Communication officers shall work shifts of twelve (12) hours and sixteen (16) hours as scheduled. These shifts shall be "days" or "nights" as required by the schedule rotation.
- 3:2 In the event of disciplinary action, the suspension shall coincide with the shift on which the infraction occurred. When determining time not computed to seniority, each shift shall be posted as one (1) day.

SECTION 4 CHIEF COMMUNICATIONS OFFICER

- 4:1 The Chief Communications Officer shall work four (4) shifts of ten (10) hours each, commencing at 6:00 am and ending at 4:00 pm daily. These shifts shall run consecutively, Monday through Thursday.
- 4:2 Time not computed to seniority will be in ten (10) hour increments and each shall be posted as one (1) day.

RULE XIV - LEAVES OF ABSENCE, HOLIDAYS, AND BOARD RULESLEAVES OF ABSENCE

Leaves of absence are classified as follows:

- Class 1. Leave of absence with pay.
- Class 2. Leave of absence without pay.
- Class 3. Absence without leave and pay.
- Class 4. Administrative leave - The appointing authority may grant administrative leave with pay for periods not to exceed thirty (30) days when circumstances develop that would warrant the removal of an employee from the department without disadvantage in order for the appointing authority to conduct an investigation concerning the conduct of the employee. This period may not be extended beyond thirty (30) days without approval of the civil service board.

SECTION 1 SICK LEAVE

1:1 GENERAL POLICY

Every employee of the Fire Protection District shall be entitled to full pay during sickness or incapacity not brought about by his/her own negligence or culpable indiscretion, for a period of not less than fifty-two (52) weeks. An employee of the Fire Protection District who draws full pay during sickness or incapacity shall have such pay decreased by the amount of workman's compensation benefits actually received by the employee. Additional specific regulations subject to Ouachita Parish Fire Department Policy.

1:2 NOTIFICATION OF ABSENCE

When an employee of the classified service is ill and cannot report for duty, it is the employee's responsibility to notify the supervisor or designated representative of the Chief of the department not later than one (1) hour prior to the start of the assigned duty period. Failure to notify, as indicated above, will result in the forfeit of pay, as it is classified as absent without leave and pay, and may result in additional disciplinary action.

1:3 NOTIFICATION OF FIRE CHIEF'S OFFICE

When an employee is placed on workman's compensation or is released to return to work, the employee shall notify the Fire Chief's office immediately. Upon receipt of a doctor's slip, the employee shall forward it to the Fire Chief's office immediately.

1:4 ONE-DAY ILLNESS

For a normal or regular sickness such as flu, cold, virus, etc., that would not exceed twenty-four (24) hours absence, an employee shall be expected to be at home or at some designated location, at all times. After three (3) general illnesses within one (1) calendar year, a doctor's statement shall be required.

1:5 SICKNESS IN EXCESS OF 24 HOURS

In the event an illness or injury is to be more than twenty-four (24) hours, a doctor's statement is required. You will not be required to report daily, once a doctor's statement is received. However, the employee shall contact the Fire Chief's office after each visit to the physician, reporting his/her condition and the date of his/her next visit to the physician.

1:6 PHYSICIAN'S STATEMENT

- (A) If illness or injury is given as a cause of absence, the Fire Chief reserves the right to require a written statement from the employee's physician and/or the Ouachita Parish Staff Physician, when deemed necessary.
- (B) Should any illness last longer than three (3) consecutive calendar days, the employee is required to submit a doctor's certificate indicating the illness or condition which justified his absence, as well as the probable duration of the illness. For failure to produce a doctor's certificate for any illness over three (3) consecutive calendar days, the employee will be classified as "absent without leave and pay". Should any employee of the classified service abnormally absent himself/herself before or after his/her scheduled days off, or at any time, he/she may be required to submit a doctor's certificate should the absence be for only one (1) calendar day.

1:7 MEDICAL EXAMINATION

The Fire Chief shall have the right to require a medical examination by the Staff Physician of any employee or employees suspected of having false illness. Failure of the employee to submit to said medical examination shall be grounds for discipline. Any employee disciplined shall have reserved to him, all rights of appeal through normal channels.

1:8 MEDICAL RELEASE

Employees who return to work after an illness or injury in excess of twenty-four (24) hours must have a full release from the attending physician.

1:9 ABUSE/FALSIFICATION

Sick leave abuse and/or falsification of records shall result in disciplinary action, up to and including termination of employment.

1:10 DOCTORS APPOINTMENTS

All doctor appointments are to be scheduled on employee's days off, except with prior approval of the Fire Chief.

SECTION II FAMILY MEDICAL LEAVE

2:1 Each full-time employee of the classified service after having served one (1) year, shall be entitled up to twelve (12) weeks of unpaid leave, without credit for departmental seniority when appropriate documentation is supplied to the Appointing Authority for those reasons provided by Public Law 103-3 (Family and Medical Leave Act of 1993).

2:2 An employee will be required to first exhaust any or all compensatory time and any or all accumulated leave time before being granted unpaid leave without seniority.

2:3 For the purpose of this section, immediate family is defined as: spouse, children, children's spouse, mother, father, brother, sister, grandparents, and grandchildren of the employee and those of the employee's spouse. Also, any relative residing under the same roof as the employee.

SECTION III EMERGENCY LEAVE

3:1 The Fire Chief, after ascertaining the exact circumstances, may grant a permanent employee up to twenty-four (24) hours

per calendar year of paid emergency leave in the event of a disaster, serious injury, or serious illness within the employee's immediate family.

3:2 For the purpose of this section, immediate family is defined as: spouse, children, children's spouse, mother, father, brother, sister, grandparents, and grandchildren of the employee and those of the employee's spouse. Also, any relative residing under the same roof as the employee.

3:3 When the validity of requested emergency leave is questioned, the employee will be granted leave subject to a policy review hearing. If said leave is determined to be in violation of policy, the employee will be obligated for said leave time. Additional disciplinary action may apply.

SECTION IV FUNERAL LEAVE

4:1 In the event of a death in the immediate family (as defined below) of an employee, said employee shall be allowed up to twenty-four (24) working hours off for the death. The purpose of this leave is to insure that the affected employee will be off duty in order to attend the funeral. Therefore, this leave must be taken during the period from the day of the death through the day of the funeral.

4:2 Immediate family shall be defined as: spouse, children, children's spouse, mother, father, brother, sister, grandparents, and grandchildren of the employee and those of the employee's spouse. Also, any relative residing under the same roof as the employee.

4:3 When the validity of requested funeral leave is questioned, the employee will be granted leave subject to a policy review hearing. If said leave is determined to be in violation of policy, the employee will be obligated for said leave time. Additional disciplinary action may apply.

4:4 The Fire Chief may authorize post funeral leave and/or additional leave if necessary.

4:5 Permission to be a pallbearer may be granted by the Fire Chief or his designee.

SECTION V MILITARY LEAVE

5:1 MILITARY LEAVE WITH PAY

An employee shall be authorized to take leave without loss of pay or vacation leave time when performing emergency military duty or participating in the two-week annual training duty required by membership in a reserve unit of the United States Armed Forces or the Louisiana National Guard, for a maximum of fifteen (15) days in any one calendar year as provided by Revised Statute 42:394. Each member of the classified service shall give such notice of ordered duty at least thirty (30) days in advance to the chief of the department and this board, if known by him. Should the employee be called out on an emergency basis, he should contact his supervisor, the chief of the department, or the person designated by him to receive such notice.

5:2 MILITARY LEAVE WITHOUT PAY

Any member of the classified service called into the Armed Forces, will be carried on military leave without pay until he returns to duty. The employee is required to notify the chief of the department or the person designated by him to receive such notice and this board when he receives such notice.

Any member of the classified service who is called into the Armed Forces will be allowed to take whatever annual leave to which he is entitled.

Provisional employees will not be granted a military leave of absence. They shall be required to resign or be dropped from service.

Any member of the classified service who is a member of the National Guard or in the Reserves of the Armed Forces, upon being ordered to active duty, shall be given any leave due the employee in Rule XIV, Section V, 5:1 (above). Should the employee have used all leave to which he is entitled in Rule XIV, Section V, 5:1 (above), he shall be granted military leave without pay.

SECTION VI CIVIL LEAVE/COURT

6:1 Absence because of jury duty is "leave of absence with pay". However, the jury notice must be presented to the chief of the department or to the person designated by the chief to

receive such notice at least five (5) days in advance of such jury duty. An employee shall be granted leave of absence with pay when performing jury duty, or when subpoenaed to appear before a court, public body, or commission, on departmental business, or when performing emergency or civilian duty in connection with the national defense. The parish will pay the difference between pay earned for the special duty and the employee's regular pay from the parish.

- 6:2 Attendance in city or district court on departmental business is with pay provided that the attendance is ordered by subpoena or other court order. Any monies received from such court attendance shall be deducted from employee's regular pay.
- 6:3 If any employee must appear in court on their day off for a duty related summons, the fire department will compensate the employee at a rate of one and one-half (1½) times his/her hourly rate as follows:
- (A) One (1) hour for travel to court
 - (B) The amount of time served in court
 - (C) One (1) hour for travel from court
- 6:4 Each member of the classified service must present to the chief of the department or the person designated by him, any such notice to appear in court at least five (5) days in advance of such court attendance. Copy of such notice shall also be sent to the board.

SECTION VII VACATIONS

- 7:1 Each full-time employee of the classified service after having served one (1) year, shall be entitled to an annual vacation of eighteen (18) calendar days with full pay. This vacation period shall be increased one day for each year of service over ten (10) years, up to a maximum vacation period of thirty (30) days all of which shall be with full pay. The vacation privileges herein provided for shall not be forfeited by any member of the department for any cause. No cash payment will be made in lieu of vacation until such time as the employee is separated from employment.
- 7:2 Each employee may divide vacation leave into two separate periods, the total of which shall not exceed the employee's total accrued vacation leave time.

- 7:3 All employee vacation schedules must be approved by the supervisor at least two (2) weeks before any vacation is to begin. Employees with the greatest departmental seniority will have priority on the scheduling; however, the appointing authority has the right to regulate the time at which any employee is granted annual leave as provided in Revised Statute 33:2557.

SECTION VIII HOLIDAYS

- 8:1 Each member of the classified service shall be granted "Leave of Absence with Pay" on the following legal holidays:

1. Christmas Day
2. Christmas Eve
3. New Year's Day
4. July 4
5. Labor Day
6. Thanksgiving Day
7. Memorial Day
8. Martin Luther King Day
9. Good Friday
10. Easter Sunday

- 8:2 Should a member of the classified service work assignment be such that the employee is required to work on a legal holiday as set by this board, the employee will be paid an additional compensation of one (1) times the normal rate of pay. However, governing authorities, at their option, may grant employees time off from work for which such additional compensation would be due and payable to said employees.

SECTION IX VOTING

- 9:1 An employee domiciled and residing in Ouachita Parish whose work shift prevents him from voting in an election of any kind shall be given a reasonable period of time to vote. The Deputy Chief on duty shall establish the schedule for letting employees vote. Employees must provide their own transportation in getting to and from the polls.
- 9:2 Residency requirements may be waived, by the Fire Chief or his designee, when circumstances warrant the waiver.

SECTION X CIVIL SERVICE BOARD ATTENDANCE

Each departmental member of the civil service board shall be granted leave of absence with pay for the duration of any civil service board meeting which the employee representative attends, or for any time required to assist with civil service examinations, or other official business of the civil service board.

SECTION XI CIVIL SERVICE EXAMINATIONS

11:1 Each employee of the classified service shall be granted leave of absence with pay to take any local fire protection district civil service examination for which they are qualified.

11:2 Any provisional employee, if eligible for admission to the test, shall be granted leave of absence with pay in order to take a municipal fire and police civil service examination for the class to which the employee is provisionally appointed.

SECTION XII LEAVE OF ABSENCE WITHOUT PAY

For an employee who has served for at least one (1) year and who has a "satisfactory" performance rating a "leave of absence without pay" for a period not to exceed fifteen (15) consecutive days in any one calendar year may be granted at the discretion of the Fire Chief.

SECTION XIII EXPIRATION OF LEAVE

Any employee who fails to report for duty or retire upon the expiration of any authorized leave will be considered to have resigned from the departmental service on the calendar day following leave expiration.

SECTION XIV UNEXCUSED ABSENCE

Any employee of the classified service who fails to provide proper notification of his/her absence in accordance with these rules shall be subject to disciplinary action, up to and including termination.

SECTION XV LEAVE FOR SPECIALIZED DISASTER SERVICE VOLUNTEER

- 15:1 Any employee who is a trained disaster volunteer of the American Red Cross may be granted leave from his/her regular work assignments, with pay, and without loss of seniority, annual leave, sick leave, or earned overtime or compensatory time accumulation, for any period not to exceed fifteen (15) work days in any twelve (12) month period, to participate in specialized disaster relief services for disasters designated at Level III or above in the American Red Cross Regulations and Procedures.
- 15:2 Leave may be granted upon written request of the employee to the appointing authority which shall include certification of the employee as a trained American Red Cross disaster volunteer, the nature and location of the disaster, anticipated duration of the leave, nature of services required, certification by an official of the American Red Cross that the employee's services are needed, and the identity and title of the official of the American Red Cross to whom the employee is to report.